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10/687,226

10/15/2003

Gregory B. Hale

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EXAMINER

HAIDER, FAWAAD

ART UNIT

PAPER NUMBER

3627

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/687,226 | <b>Applicant(s)</b><br>HALE ET AL. |  |
|                              | <b>Examiner</b><br>FAWAAD HAIDER     | <b>Art Unit</b><br>3627            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/8/08 has been entered.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation, "filling the attraction..... during the allocated return time" seems to be unclear and verbose.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19-26, and 30-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney (5,502,806) in view of Decker et al (6,167,443).

Mahoney et al. discloses a method of managing the loading of patrons to an attraction in an entertainment environment (see fig. 1 area 66) wherein patrons are permitted access to the attraction on at least two bases, the first being a first-in first-out basis (que 70), and the second being a priority basis established by a prior allocation of a time of entry into the attraction (allocated times 52/62/64), comprising:

receiving from a patron a priority request for an allocation of a return time (device 42 receives the request from a patron), the priority request being entered on a television unit located at a resort facility, the priority request being received at a central computer that regulates the number of patrons allowed to enter the attraction (computer 16 is a line waiting management computer), transmitting to the patron an allocated return time via the television unit (see col. 4, line 12, host computer relays time availability information -read as a return time- to device 42); and filling the attraction to its predetermined attraction capacity with patrons not having the allocated return time on a first-in first-out basis unless a patron having the allocated return time is present and preferentially loaded during the return time and without reserving space for a patron having the allocated return time who is not present during the allocated return time. loading the patron having an allocated return time to the attraction on or after the return time in preference to the patrons not having the allocated return time (the patron makes his desired selections col. 4 line 18, see col.2, lines 44-47); and

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loading the attraction on a first-in first-out basis for the patrons not having the allocated return time unless the patron having the allocated return time is present and preferentially loaded during the return time (elements 64/68 allow for access to the facility either FIFO or return time ticket, see col.2, lines 38-43).

However, Mahoney et al. fails to disclose a resort facility related to the entertainment environment that is located remotely from the entertainment environment where one can enter a priority request on a television at a resort facility; and the response including available return times being transmitted to patron via the television unit. But, Decker discloses a hotel room (resort room) in which the television is used to order e.g. Italian food col. 12 line 49 which restaurant is located remotely of the room from it was ordered. Decker further discloses ordering using a high speed network using the system controller 140 connected to a television to effect ordering. Official notice is taken of COMCAST which provides high speed network. It would be an obvious modification to Mahoney et al. to place an ordering system in a hotel e.g. resort, as taught by Decker et al. and to use the television as a means for communicating an order (official notice is taken thereof), the motivation being the use of the television in Decker which already presents the ordering menu on the television to reserve a place in line at an amusement park which is an obvious annexation of a hotel. Gatto is provided as evidence of Official Notice of television ordering and to use it as part of the proposed combination is a mere implementation of commonly known technology associated with a television.

Re Claims 20 and 21,23, 24,26: Multiple requests are deemed a mere repetition of steps.

Re Claim 22: The television unit is located in a room of the patron in Decker et al. the room of the patron is associated with the entertainment environment in accordance with the above combination analysis.

Re Claim 25: Mahoney discloses placing the input device 42 in a common area and the replacement of the device 42 with a TV is set forth above.

Re Claim 30: Card 52 in Mahoney is a computer readable magnetic code.

Re Claims 31,32: The device 64 in Mahoney redeems at a time of entry into the entertainment environment.

Re Claims 32,33: Official notice is taken of the practice of tracking outstanding number of unredeemed return times to the number of allocated times, and feeding back redemptions of return times such that near real time updates of return tune availability may be computed. The notice is made Final.

6. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohoney in view of Decker et al, and further in view of Christie. The proposed combination fails to disclose a prioritization of access. However, Christie teaches that access to a given asset can be controlled by a given privilege level assigned to different user groups. It would be obvious to modify the proposed combination to include tiered access feature of Christie because the motivation for this would be to reward those who use the system most with the greatest access. The ratio of use is deemed to be unity in

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Mahoney. The exchange and or nonuse of an item for credit is deemed an old expedient in the art, official notice is taken thereof and is made final.

### ***Response to Arguments***

7. Applicant's arguments filed 5/8/2008 have been fully considered but are found not to be persuasive. The amendment to the limitation recites "filling the attraction to its predetermined attraction capacity with patrons not having the allocated return time on a first-in first-out basis unless a patron having the allocated return time is present and preferentially loaded during the return time and without reserving space for a patron having the allocated return time who is not present during the allocated return time." As one can see in Figure 1, the patrons are loaded on a FIFO (first-in, first-out basis). Then, in col.2, lines 38-43, Mahoney discloses where "the patron then passes through an access gate to utilize the attraction. This access gate merges with other non-card holding park patrons waiting to use the attraction. Card holders have the advantage of waiting a substantially diminished amount of time in a waiting line as compared to the non-card holding patrons." In the Abstract, Mahoney discloses, "Based on a computation incorporating capacity.... the access gates merge card patrons with non-card patrons awaiting the use of the attraction." In column 4, lines 40-44, Mahoney discloses: "If a card holder 82 arrives after his or her time slot window and access is denied, the waiting line management computer 16 then releases that space or place to a non-card holding patron 72 located in the non-card line 70."

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fawaad Haider/  
Examiner  
Art Unit 3627

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627



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